

STATEMENT OF CONSIDERATION RELATING TO  
907 KAR 20:030

Department for Medicaid Services  
Amended After Comments

(1) A public hearing regarding 907 KAR 20:030 was not requested and; therefore, not held.

(2) The following individuals submitted written comments regarding 907 KAR 20:030:

<u>Name and Title</u>	<u>Organization/Agency/Other Entity</u>
Kathy Adams, Director of Public Policy	Children's Alliance
Teresa C. James, Commissioner	Department for Community Based Services (DCBS)

(3) The following individual from the promulgating agency responded to comments received regarding 907 KAR 20:030:

<u>Name and Title</u>	<u>Organization/Agency/Other Entity</u>
Lee Guice, Director	Department for Medicaid Services, Division of Policy and Operations
Marchetta Carmicle, Manager	Department for Medicaid Services, Division of Policy and Operations, Eligibility Policy Branch
Stuart Owen, Regulation Coordinator	Department for Medicaid Services

SUMMARY OF COMMENTS AND AGENCY'S RESPONSES

(1) Subject: Restriction of Provision

(a) Comment: Teresa C. James, Commissioner of the Department for Community Based Services stated the following:

"Section 1(14)(a)2 may be more restrictive than the applicable federal law by the provision's inclusion of 'convincing'. The federal law states 'satisfactory showing'."

(b) Response: Via an "amended after comments" administrative regulation, DMS is revising the language as follows:

**"Makes a satisfactory showing to the department"**~~**Presents convincing evidence**~~  
that the disposal was exclusively for some other purpose."

(2) Subject: Grammatical Suggestions

(a) Comment: Kathy Adams, Directory of Public Policy for Children's Alliance, stated the following:

"Page 1, line 19: Recommend deleting the word "persons" from the end of the sentence.

(b) Response: The Legislative Research Commission's Regulations Compiler corrected the term - "purposes" was in the intended word – via a "technical amendment."

(c) Comment: Kathy Adams, Directory of Public Policy for Children's Alliance, stated the following:

Page 7, line 8: Recommend changing (a) to (c) as there is already an (a) and (b).

(d) Response: DMS is reformatting the subsection as requested in an "amended after comments" administrative regulation.

(e) Comment: Kathy Adams, Directory of Public Policy for Children's Alliance, stated the following:

Page 7, line 11: Recommend deleting the word "be" so that the subparagraph reads, "Not considered a...."

(f) Response: DMS is revising the language as requested in an "amended after comments" administrative regulation.

(g) Comment: Kathy Adams, Directory of Public Policy for Children's Alliance, stated the following:

Page 7, line 12: Recommend changing (b) to (d) as there is already an (a) and (b) , and per a previous recommendation, a (c).

(h) Response: DMS is reformatting the subsection as requested in an "amended after comments" administrative regulation.

(i) Comment: Kathy Adams, Directory of Public Policy for Children's Alliance, stated the following:

Page 17, 5 to Page 18, line 6: Recommend that language in this section be changed to simply refer to the appropriate regulation, Section, etc."

(j) Response: DMS is revising the language in an "amended after comments" administrative regulation to refer to 907 KAR 20:100, Modified Adjusted Gross Income Standards, and 907 KAR 20:075, Eligibility provisions and requirements regarding

former foster care individuals and eliminating more descriptive language.

(3) Subject: Review of other Regulations

(a) Comment: Kathy Adams, Directory of Public Policy for Children's Alliance, stated the following:

"Page 18, line 7 to 9: Recommend the other regulations be reviewed to determine if this Section should be added to the other regulations currently under review."

(b) Response: The current correct reference is 907 KAR 1:560; thus, DMS (in an "amended after comments" administrative regulation) is replacing the reference to 907 KAR 20:065 with a reference to 907 KAR 1:560.

SUMMARY OF STATEMENT OF CONSIDERATION  
AND  
ACTION TAKEN BY PROMULGATING ADMINISTRATIVE BODY

The Department for Medicaid Services (DMS) has considered the comments received regarding 907 KAR 20:030 and is amending the administrative regulation as follows:

Page 7

Section 1(9)(a)

Line 8

Renumber by inserting "(c)" and by deleting "(a)".

Page 7

Section 1(9)(a)2.

Line 11

After "Not", delete "be".

Page 7

Section 1(9)(b)

Line 12

Renumber by inserting "(d)" and by deleting "(b)".

Page 9

Section 1(14)(a)2

Line 19

After "2.", insert the following:

Makes a satisfactory showing to the department

Delete "Presents convincing evidence".

Page 17

Section 4(1)(a)

Line 5

After “Applicability.”, delete “(1)(a)”.

Page 17

Section 4(1)(a) and 4(1)(a)1

Lines 5 and 6

After “individual”, delete the colon, the return, and “1.”.

Line 7

After “determined”, insert a colon, a return, and “(1)”.

Line 8

After “or”, insert a return and “(2) Pursuant to 907 KAR 20:075”.

Page 17

Section 4(1)(a)2, Section 4(1)(b), and Section 4(2)

Line 9 through

Page 18

Line 6

Delete 4(1)(a)2, Section 4(1)(b), and Section 4(2) in their entirety.

Page 18

Section 5

Line 9

After “with 907 KAR”, insert “1:560”.

Delete “20:065”.